

MHNS160012112025



R.C.S./219/2025

Dattu Karbhari Shelke Vs. Savitribai Jaywant Battise
ORDER BELOW EXH. 12

1. This is an application for status quo. It is the contention of the plaintiff that, Mandal Adhikari has issued notice for the execution. It is submitted that, on 27.10.2025 the execution notice was given by Mandal Adhikari to inform that order passed by the Tahasildar will be executed and intend to vacate/remove encroachment area. It is further submitted that the defendant has given for address as resident of Vahegaon Sal Tal. Chandwad, Dist. Nashik in the case before the Tahasildar and the notice issued by Mandal Adhikari also shows the same address. However, In this suit the suit summons was return unserved with report that defendant is not residing in the said village. The plaintiff therefore submitted that defendant willfully avoid for service of summons and taking steps before the Mandal Adhikari for execution of order passed by the Tahasildar. It is the therefore requested by the plaintiff to grant status quo for the execution of order of Tahsildar. The plaintiff therefore prayed for granting status quo in this matter. Prima-facie it appears that, address of defendant in the execution is the same which is even in this matter however, suit summons returned unserved with report that defendant is not found on said address. The execution notice given by Mandal Adhikari if executed then the purpose of filling of this suit will frustrated. No prejudiced will caused to defendant if status quo order is granted. Hence, following order.

ORDER

1. A status quo order is granted in respect of suit property till further orders.
2. Applicant/plaintiff is directed to comply order XXXiX rule 3 of the code of Civil Procedure, 1908.
3. Steno copy be given to plaintiff.

Date:-16/10/2025

(S.S.CHHALLANI)
Civil Judge J. D.,
Chandwad.